

Mr. James M McGahan
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Honorable Henry E. Hudson
United States District Judge

November 15, 2012

c/o Elizabeth W Hanes
Assistant Federal Public Defender
701 East Broad Street
Suite 3600
Richmond, VA 23219

RE: Joshua J. McGahan

Dear Sir;

My name is James M. McGahan of Concord, NH; I am Joshua's father. I am fifty-three years old, married to Cynthia A. McGahan twenty-six wonderful years this coming February. Joshua was six when Cindy and I married. I am employed with Infra-Red Building and Power Service, Inc. I have been in the sales of electrical maintenance for thirty years; three companies, 15, 6 & 9 years respectively. Cindy and I have lived in our home in Concord NH since we were married.

Our family consists of Cindy's daughter from a previous marriage Nicole age 35, Joshua age 32 from my previous marriage and our youngest son Aaron age 24. Nicole has two children Chloe' age 12 and Trevor age 15 who both adore Josh and enjoy spending time with him on family vacations and holiday gatherings.

Josh has extended family including aunts and uncles as well as his grandmother on his mother's side, Susan Goldthwaite whom Joshua is very attached to.

Over the last five years Joshua has lost several family members, all taking a large toll on him. His cousin died in an automobile accident barely out of his teens, his paternal grandmother passed of natural causes, his favorite aunt's husband had a massive heart attack in his late thirties, his beloved maternal grandfather suffered from a brain tumor for five years, his mother passed at forty-eight and less than a year later his second step father passed.

I'd like to offer a little insight into Joshua's upbringing. I met his mother in high school, we dated for three years and married a year after she graduated from high school. Our marriage lasted two years; after several months of erratic behavior on his mother's part I filed for divorce. It was granted about nine months later. The next twenty years of our divorce were contentious at best.

Joshua's mother, Laurie, admitted shortly after the divorce that she had been addicted to diet pills and stimulants during the later part of our marriage. This was the beginning of a long downward spiral of drug addiction and alcoholism that lead to her death at age 48 due to extreme alcoholism. During this tragic spiral there were many casualties, including Joshua.

Laurie had several subsequent relationships including two more failed marriages and several live in boyfriends. There were several moves, new schools and all the adjustments required as a result of a non stable household.

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Laurie's second marriage was to Thomas Edney. Tom was considerably older than Laurie and had already raised his children. Tom was a member of a very popular local band playing clubs and bars in the area. The nature of his work included late nights, proximity to alcohol and undesirable characters. While Tom was occupied with his profession Laurie fell deeper into the throws of the nightlife. Her dependency on alcohol grew to the point where she never left the house without a bottle of liquor in her purse. It was around this time that she became addicted to cocaine. The marriage ended in divorce around age 12 for Josh.

When Joshua was around 9 years old Cindy and I filed for custody. We saw what the drinking and lifestyle were doing to Josh and where he was headed. His school records indicated that although he lived two blocks from school he was late by more than an hour on an average of three times a week and his homework was nonexistent. Friends and coworkers would inform me of his accompanying his mother at "happy hour" at local establishments. Josh would be berated for hours on end for leaving a dirty dish in the sink or getting a spot on his shirt; but when he misbehaved his mother would overlook it because "he's cute". This was the twisted message he received during his formidable years.

Several months and several heartaches later the age old adage that a child needs his mother won out over the admitted drug and alcohol abuse Josh was subjected to on a daily basis. It is my strong belief that this was the pivotal point in Joshua's life. It was to be an uphill struggle from this point on. Rather than taking on the tough decisions needed to be made by young people he followed the "easy carefree" let someone else worry about it attitude he was subjected to on a daily basis.

The addition of a second stepfather came within a few short years. Reginald Chown owned a small upholstery shop. Reginald was also an alcoholic who had lost his driving privileges due to multiple DUIs. Joshua's new family included a stepsister that visited occasionally.

His mother's drinking had continued to worsen. She lost their first child at eight months, this has had a lasting effect on Josh. He visited her grave site on a regular basis and spoke of her very often, he eventually had a poem dedicated to her tattooed on his arm.

The family unit struggled with alcohol, loss of employment, drugs, and arrests of both Laurie and Reginald on domestic violence charges. This coupled with constant verbal and mental abuse of Josh by his mother lead to failing grades, loss of interest in sports and the "need" to escape, via drugs and alcohol.

By the time Josh moved out of the house at 17 he had two younger half brothers living in the household. He has carried the guilt of leaving them behind ever since. Both boys were subjected to the same carnage that he was trying to leave behind.

With the help of his grandparents and aunt the two younger siblings were eventually removed from the household and placed with relatives. The older of the two has struggled with mental and social issues for many years; the younger of the boys has thus far seemed to have avoided those problems.

As for Joshua's character, that is a complex subject. Joshua obviously has some issues with right and wrong. I can honestly say without hesitation that Joshua does not have a mean bone in his body. If there was a kid at school or at the Boys & Girls Club that was being picked on I could count on Josh sticking up for them and befriending them. This isn't just something he would do while I was present, teachers and counselors were always commenting about his tenderness.

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As a child I always made a big deal about taking him shopping at Christmas for the local giving tree. He looked forward to it every year. As an adult he spent every Thanksgiving afternoon serving dinner and washing dishes at local soup kitchens. If one of the aunts, uncles or grandparents needed a hand moving, or making a dump run, or anything of that nature Joshua was sure to make himself available. Lack of kindness and generosity to all is definitely not one of his faults.

Joshua has the ability to walk into a room of strangers and within minutes he's made several friends and offended no-one. I have never had anyone tell me that he was rude, misbehaved or the cause of any disturbances. On the other hand I could not possibly recount all of the compliments I have received from friends, relatives, coaches, teachers and casual acquaintances as to how friendly and polite Josh is. Earlier this year I had a policeman (whom I worked with 20 years ago) show up at my front door in uniform on duty just to tell me that he had bumped into Josh while on foot patrol in town and wanted to inform me as to how polite he was and how much he had enjoyed his conversation with him.

Your Honor, I know Joshua is not an angel, I understand he has plead guilty to a serious offense and must suffer the consequences. He alone made the decisions that have brought him to this place in time. Since his arrest he has spoken of getting his life on track. He knew he was going to be incarcerated for some time to come. He has talked of filling that time with taking classes on drug addiction, college courses and learning a trade.

I humbly ask that you look for and find in Joshua that which I know is the core goodness in him. He is not evil, he is not violent, he is not a king pin, he does not do the things he does to intentionally hurt others. I strongly believe Joshua suffers from some form of Bi Polar disease. He will go from being terribly down and unable to sleep for days on end to overly hyped moods where he's excited and feels invincible. This is when he makes the bad decisions that affect his life so badly.

I hope that you too feel as though there is still hope that Joshua has a life waiting for him. I hope that his incarceration will be one of rehabilitation and not punitive. I ask you to give him an opportunity to prove himself worthy of a chance to rehabilitate; counsel session, work details, positive reinforcement. Please do not allocate him to the dump heap that is made of lost souls, violent vicious harden criminals. If you have it within your power I will respectfully ask that you take these requests to heart, take a long look at the person and judge him accordingly.

Thank you for your time,

Respectfully yours,



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At Cindy's graduation



With Chloe'



At summer vacation



Annual Thanksgiving family football game